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## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF MINNESOTA

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4 )  
5 In Re: Bair Hugger Forced Air ) File No. 15-MD-2666  
6 Warming Devices Products ) (JNE/FLN)  
7 Liability Litigation )  
8 ) October 25, 2017  
9 ) Minneapolis, Minnesota  
10 ) Courtroom 12W  
11 ) 9:07 a.m.  
12 )  
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14  
15 BEFORE THE HONORABLE JOAN N. ERICKSEN  
16 UNITED STATES DISTRICT COURT JUDGE

17 THE HONORABLE FRANKLIN L. NOEL  
18 UNITED STATES MAGISTRATE JUDGE

19 THE HONORABLE WILLIAM H. LEARY  
20 RAMSEY COUNTY DISTRICT COURT JUDGE

## 21 (MOTIONS HEARING - VOLUME II)

22 APPEARANCES23 FOR THE PLAINTIFFS:

24 MESHBESHER & SPENCE  
25 Genevieve M. Zimmerman  
1616 Park Avenue  
Minneapolis, MN 55404

LEVIN PAPANTONIO  
Ben W. Gordon, Jr.  
316 S. Baylen Street  
Suite 600  
Pensacola, FL 32502

CIRESI CONLIN  
Michael V. Ciresi  
Jan Conlin  
Michael A. Sacchet  
225 South 6th Street  
Suite 4600  
Minneapolis, MN

## P R O C E E D I N G S

(9:07 a.m.)

THE COURT: Please be seated. Mr. Sacchet, we cut you off yesterday. Did you have any last thoughts that you wanted to clear up?

MR. SACCHET: There is one thought I did want to clear up.

THE COURT: Yeah. I'd be happy to hear from you. If I had a heart and if I had feelings, I would have felt bad for cutting you off.

MR. SACCHET: Don't worry. I guess I should clarify your question, though, Your Honor. With respect to the time, are you just referring to Holford's motion or Borak's motion as well?

THE COURT: I think we're almost done with Holford.

MR. SACCHET: Yeah. I agree.

THE COURT: What I was wondering is if you had a couple of things you wanted to say about Borak, and I know that Borak is very dependent on Holford, and that comes through, of course, in your memo. So I don't anticipate that you have too much to say, and if you want a specific number of minutes, I can make up a number.

MR. SACCHET: I was hoping maybe to go 10 minutes on Borak.

1 THE COURT: All right.

2 MR. SACCHET: Unless that's extreme.

3 THE COURT: No. Do it.

4 MR. SACCHET: Okay. And I did have a housekeeping  
5 matter. I have copies of the decs that we presented  
6 yesterday that we would be happy to give the Court. I  
7 conferred with my friends on the other side, and they have  
8 copies as well.

9 THE COURT: No one is admitting to being your  
10 friend.

11 MR. SACCHET: I would hope they would.

12 THE COURT: So, Mr. Blackwell, do you have a  
13 similar dec?

14 MR. BLACKWELL: We do, Your Honor.

15 THE COURT: Okay. Would you mind just giving us  
16 those a little bit later because we're over -- underwhelmed  
17 with space up here.

18 MR. SACCHET: I understand. The only matter left  
19 with respect to Mr. Albrecht and the under power calculation  
20 that was brought up at the end of my presentation yesterday  
21 and --

22 THE COURT: Albrecht?

23 MR. SACCHET: Mr. Albrecht opines on the same  
24 matter that Professor Holford did with respect to the double  
25 power calculation. I wanted to read a quick excerpt from